

**SEMINOLE COUNTY GOVERNMENT
BOARD OF ADJUSTMENT
AGENDA MEMORANDUM**

SUBJECT: 3301 Foxcroft Circle – Leigh Beyer, applicant; Request for a side yard (southeast) setback variance from 10 feet to 2 feet for a proposed pool and 10 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district.

DEPARTMENT: Planning & Development **DIVISION:** Planning


AUTHORIZED BY: Kathy Fall **CONTACT:** Kathy Fall **EXT.** 7389

Agenda Date 8/24/09 **Regular** ☐ **Consent** ☐ **Public Hearing – 6:00** ☒

MOTION/RECOMMENDATION:

1. **Deny** the request for a side yard (southeast) setback variance from 10 feet to 2 feet for a proposed pool and 10 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district; or
2. **Approve** the request for a side yard (southeast) setback variance from 10 feet to 2 feet for a proposed pool and 10 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district; or
3. **Continue** the request to a time and date certain.

GENERAL INFORMATION	<p>Applicant: Leigh Beyer</p> <p>Location: 3301 Foxcroft Circle</p> <p>Zoning: PUD</p> <p>Subdivision: Carillon</p>
BACKGROUND / REQUEST	<ul style="list-style-type: none"> • The applicant proposes to construct a pool and screen enclosure that will encroach into the side yard setback of a corner lot. • The side yard setback that the pool will encroach 8 feet into and the pool entirely backs up to Lockwood Boulevard. • (There are currently no code enforcement or building violations for this property. • There is no record of prior variances for this property.

Reviewed by: _____
Co Atty: 
Pln Mgr: _____

STAFF FINDINGS	<p>The applicant has not satisfied the criteria for the grant of a variance. Staff has determined that:</p> <ul style="list-style-type: none">• No special conditions or circumstances exist, which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or building in the same zoning district.• Special conditions and circumstances result from the actions of the applicant.• The granting of the variance requested would confer on the applicant special privileges that are denied by Chapter 30 to other lands, buildings, or structures in the same zoning district.• The literal interpretation of the provisions of Chapter 30 would not deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification.• The variance requested is not the minimum variance that will make possible reasonable use of the land, building or structure.• The applicant would still retain reasonable use of the land, building or structure without the granting of the variance.• The grant of the variance would not be in harmony with the general intent of Chapter 30.
STAFF RECOMMENDATION	<p>Based on the stated findings, staff recommends denial of the request, unless the applicants can demonstrate that all six criteria under the Land Development Code for granting a variance have been satisfied. If the Board should decide to grant a variance, staff recommends the following conditions of approval:</p> <ul style="list-style-type: none">• Any variance granted shall apply only to the pool and the pool screen enclosure as depicted on the attached site plan; and• Any additional condition(s) deemed appropriate by the Board, based on information presented at the public hearing.

INDEX OF ATTACHMENTS

Items that are checked are included in the packet

- ☒ Staff Report
- ☒ Application
- ☐ Applicant statement of request
- ☒ Proposed Site Plan
- ☒ Location map
- ☒ Property Appraiser data sheet
- ☐ PUD Commitment Card, *if applicable*

Support information:

- ☐ Proposed elevation drawings, renderings, floor plans, etc
- ☐ Aerials, *if warranted*
- ☐ Plat, *if warranted*
- ☐ Code Enforcement information
- ☐ Building Permit information
- ☐ Correspondence
- ☐ Authorization letter
- ☒ Applicant Authorization Form
- ☐ Supporting documentation
- ☐ Letters of support
- ☐ HOA approval letter
- ☐ Pictures provided by applicant
- ☐ Other miscellaneous documents

- ☒ Proposed Development Order

RECEIVED JUL 10 2009

Fee: \$150.00 plus \$50.00 for each additional variance

COPY

Application # BV 2009-72
Meeting Date 8-24-09



VARIANCE APPLICATION

SEMINOLE COUNTY PLANNING DIVISION ROOM 2201
1101 East First Street Sanford FL 32771 (407) 665-7444

PROPERTY OWNER / APPLICANT (If you are not the owner please provide a letter of authorization from the owner)

Name: LEIGH BEYER (AGENT)
Address: 672 N. SEMORAN BLVD STE 203 City: ORLANDO Zip code: 32807
Project Address: 3301 FOXCROFT CIR City: OVIEDO Zip code: 32765
Tax Parcel number: 35-21-31-511-0000-0010
Contact number(s): 407-409-6375
Email address: leighbeyer@fliline.com

Is the property available for inspection without an appointment?

☒ Yes ☐ No If gated please provide a gate code to staff.

RECEIVED JUL 10 2009

What type of structure is this request for?	
<input type="checkbox"/> Shed	Please describe:
<input type="checkbox"/> Fence	Please describe:
<input checked="" type="checkbox"/> Pool	Please describe: <u>13'6" x 29'1" Pool w/ 29' x 38' DECK AREA</u>
<input checked="" type="checkbox"/> Pool screen enclosure	Please describe: <u>29' x 38' x 13' DOME ROOF STYLE POOL ENCLOSURE</u>
<input type="checkbox"/> Covered screen room	Please describe:
<input type="checkbox"/> Addition	Please describe:
<input type="checkbox"/> New Single Family Home	Please describe:
<input type="checkbox"/> Other	Please describe:
<input type="checkbox"/> This request is for a structure that has already been built.	

What type of variance is this request?			
<input type="checkbox"/> Minimum lot size	Required lot size:		Actual lot size:
<input type="checkbox"/> Width at the building line	Required lot width:		Actual lot width:
<input type="checkbox"/> Front yard setback	Required setback:		Proposed setback:
<input type="checkbox"/> Rear yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Side yard setback	Required setback:	<u>10'</u>	Proposed setback: <u>2'</u> POOL
<input type="checkbox"/> Side street setback	Required setback:		Proposed setback:
<input type="checkbox"/> Fence height	Required height:		Proposed height:
<input type="checkbox"/> Building height	Required height:		Proposed height:
Use below for additional yard setback variance requests:			
<input checked="" type="checkbox"/> <u>SIDE</u> yard setback	Required setback:	<u>10'</u>	Proposed setback: <u>0'</u> SCREEN ENCLOSURE
<input type="checkbox"/> _____ yard setback	Required setback:		Proposed setback:
<input checked="" type="checkbox"/> Total number of variances requested <u>2</u>			

Signed: [Signature]

Date: 7/10/09

FOR OFFICE USE ONLY

Date Submitted: <u>7-10-09</u> Zoning/FLU <u>PUD/PD</u>	Reviewed By: <u>P. Johnson</u>
<input type="checkbox"/> Legally created parcel (1971 tax roll, 5-acre dev, lot split) <input type="checkbox"/> Platted Lot (check easements as shown on lots, in notes or in dedication) <input type="checkbox"/> Lot size _____ <input type="checkbox"/> Meets minimum size and width <input type="checkbox"/> Application and checklist complete Notes: _____ _____ _____	

VARIANCE SUBMITTAL CHECKLIST

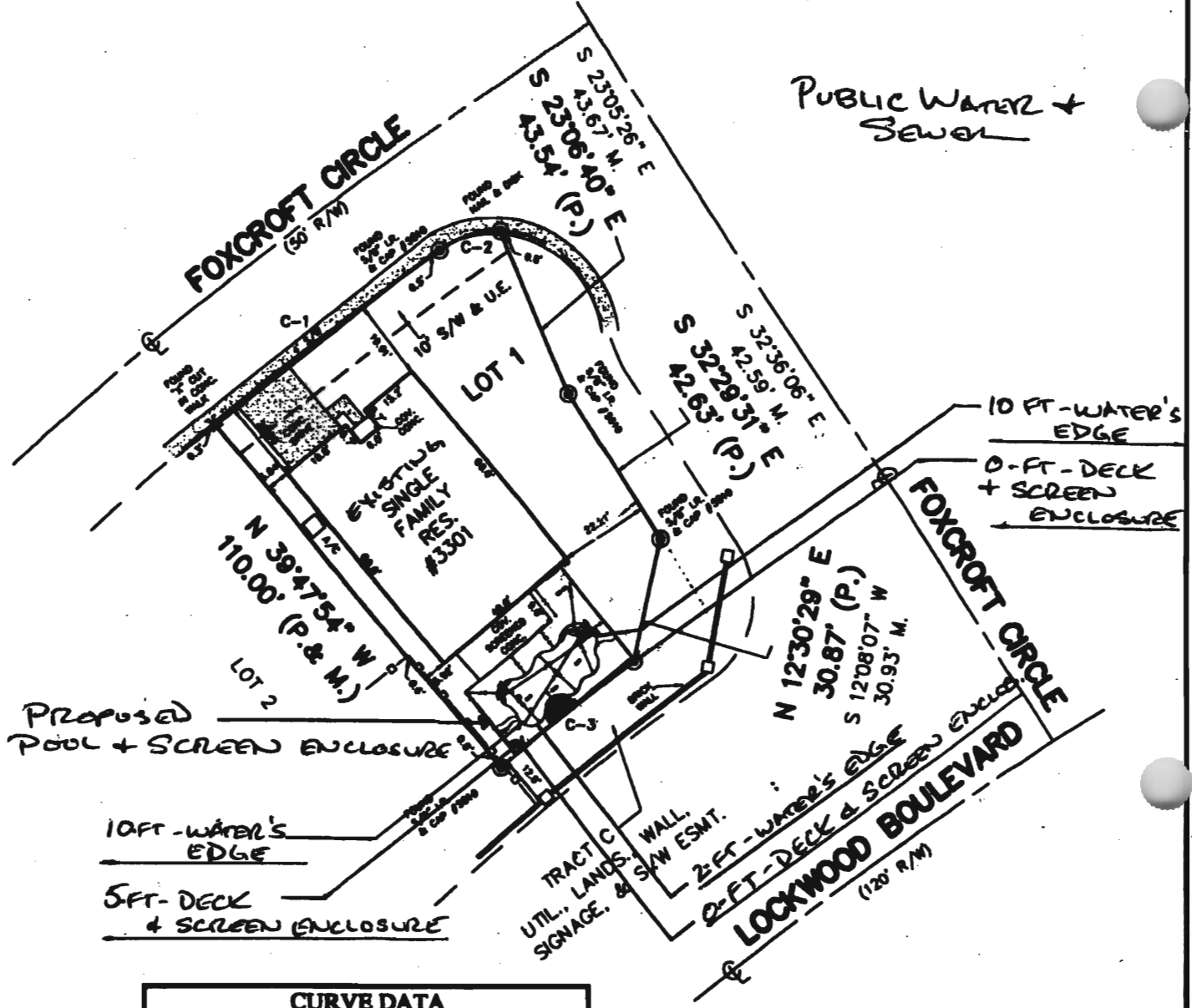
Please return this checklist with your application!

NO APPLICATION WILL BE ACCEPTED AND/OR SCHEDULED unless all of the information in the Variance application and submittal checklist is provided to the Planning division.

After the application is reviewed by staff for completeness, any items required that were not provided at the time of the application will be check marked below. These must be provided prior to scheduling of the Board of Adjustment hearing.	
1.	Completed application.
2.	Ownership Disclosure Form (Seminole County Application & Affidavit).
3.	Owner's authorization letter (if needed). This form can be obtained at http://www.seminolecountyfl.gov/pd/planning/forms.asp
4.	Provide a legible 8 1/2 x 11 inch site plan with the following information NOTE: Please use your property survey for your site plan, if available. See the attached site plan as an example of the information needed; please draw to scale and note the scale used on the plan.
	<input type="checkbox"/> Please start with a clean survey (ex: white out old approval stamps)
	<input type="checkbox"/> Size and dimension of the parcel
	<input type="checkbox"/> Location and name of all abutting streets
	<input type="checkbox"/> Location of driveways
	<input type="checkbox"/> Location, size and type of any septic systems, drain field and wells
	<input type="checkbox"/> Location of all easements
	<input type="checkbox"/> Existing or proposed house or addition (Label existing, label proposed, and include square footage and dimensions of each)
	<input type="checkbox"/> Existing and/or proposed buildings, structures and improvements (Label existing, label proposed, and include square footage and dimension of each)
	<input type="checkbox"/> Building height
	<input type="checkbox"/> Setbacks from each building to the property lines
	<input type="checkbox"/> Location of proposed fence(s)
	<input type="checkbox"/> Identification of available utilities (ex: water, sewer, well or septic)
5.	Attach additional information and supporting documents such as letters of support from adjacent property owners or Home Owners Association DRB approvals, as desired.

BOUNDARY SURVEY

PROPERTY DESCRIPTION: LOT 1, TRACT 107 AT CARILLON, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 47, PAGE 97-99, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.



CURVE DATA		
C-1 (P. & M.) R=1035.00' L=70.41' Tan=35.22' Δ=35°52'	C-2 (P.) R=25.00' L=18.03' Tan=8.30' Δ=38°44'04"	C-3 (P. & M.) R=925.00' L=42.85' Tan=21.33' Δ=2°38'31"
	C-2 (M.) R=25.00' L=18.15' (M.) Tan=8.37' Δ=37°00'52"	

LEGEND:

- = UTILITY POLE
- = SET 1/2" I.R. & CAP
- = FOUND PROPERTY CORNER
- = FOUND CONCRETE MONUMENT
- = FOUND "X" CUT
- = WELL
- = GAS METER
- = GUYWIRE
- ⊕ = FIRE HYDRANT
- = CENTERLINE
- = BUILDING SETBACK LINE
- = BARBED WIRE FENCE
- = WOOD FENCE
- = CHAIN LINK FENCE
- = OVERHEAD UTILITY LINES

- Δ = DELTA/CENTRAL ANGLE
- A/C = AIR CONDITIONER
- APT. = APARTMENT
- BLDG. = BUILDING
- C = CALCULATED
- CATV = CABLE TELEVISION RISER BOX
- C.B. = CONCRETE BLOCK
- CH = CHORD
- CH.BRG. = CHORD BEARING
- C.M. = CONCRETE MONUMENT
- CNA = CORNER NOT ACCESSIBLE
- CONC. = CONCRETE
- COV. = COVERED
- OPP. = CONC. POWER POLE
- D = DESCRIPTION
- D/B/A = DOING BUSINESS AS
- D.E. = DRAINAGE EASEMENT
- D.U.E. = DRAINAGE & UTILITY EASEMENT
- E.O.P. = EDGE OF PAVEMENT
- E.O.W. = EDGE OF WATER
- F = FIELD
- FT ELEV. = FINISHED FLOOR ELEVATION
- I.R. = IRON ROD
- I.P. = IRON PIPE
- L = ARC LENGTH
- L.S. = LAND SURVEYOR
- L.B. = LAND SURVEYING BUSINESS
- M = MEASURED

- NR = NOT RADIAL
- O.R. = OFFICIAL RECORDS
- P = PLAT
- PC = POINT OF CURVATURE
- PCC = POINT OF COMPOUND CURVATURE
- PCP = PERMANENT CONTROL POINT
- PI = POINT OF INTERSECTION
- POB = POINT OF BEGINNING
- POC = POINT OF COMMENCEMENT
- POL = POINT ON LINE
- PRC = POINT OF REVERSE CURVATURE
- PRM = PERMANENT REFERENCE MONUMENT
- PT = POINT OF TANGENT
- R = RADIUS
- RAD. = RADIAL
- RES. = RESIDENCE
- R/W = RIGHT OF WAY
- S/W = SIDEWALK
- T.O.B. = TOP OF BANK
- TEL. = TELEPHONE RISER BOX
- TX. = ELECTRICAL TRANSFORMER BOX
- U.R. = UTILITY ROOM
- U.R.B. = UTILITY RISER BOX
- U.E. = UTILITY EASEMENT
- W.F. = WOOD FRAME
- W.M. = WATER METER
- WPP = WOOD POWER POLE



1" = 40'
GRAPHIC SCALE



**3 FT SHEER
DECSENT
WATERFALL**

RAISED +12'

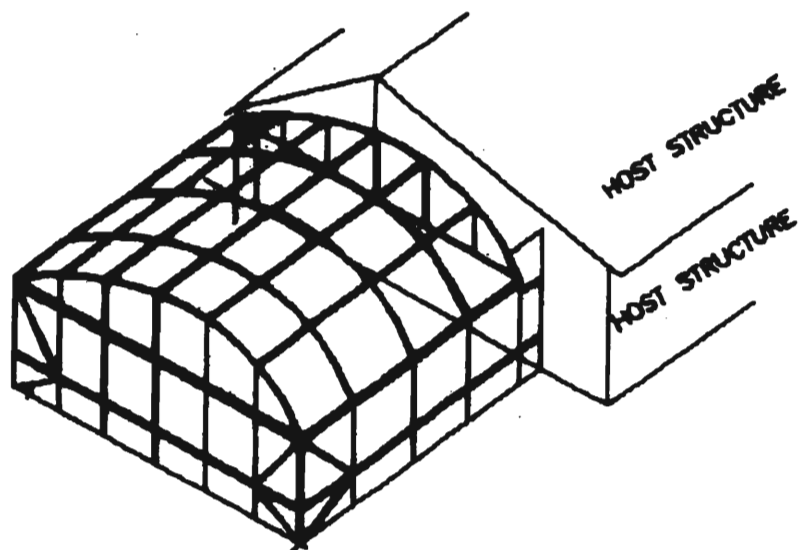
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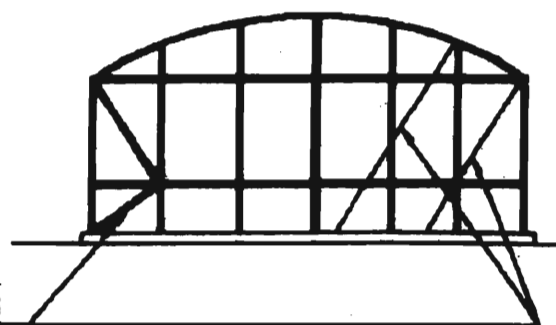
217

EXISTING SFR



ISOMETRIC

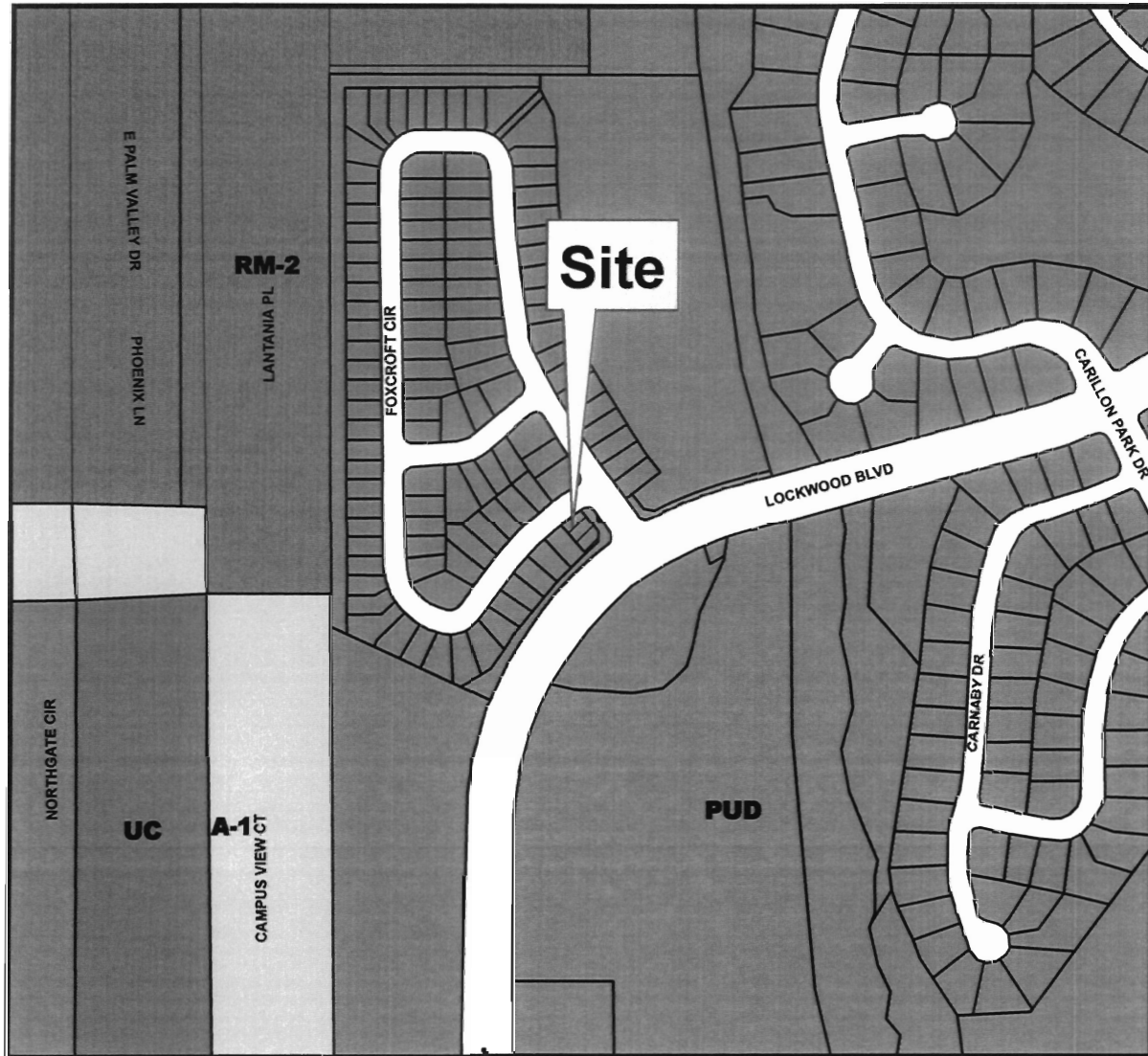
K - BRACING OR CABLES



FRONT ELEVATION






TYPICAL DOME ROOF

Leigh Beyer
3301 Foxcroft Circle
Oviedo, FL 32765



Seminole County Board of Adjustment
August 24, 2009
Case: BV2009-72 (Map 3213 Grid C6)
Parcel No: 35-21-31-511-0000-0010

Zoning

-  BV2009-72
-  A-1
-  RM-2
-  PUD
-  UC



PARCEL DETAIL DAVID JOHNSON, CPA, ASA PROPERTY APPRAISER SEMINOLE COUNTY FL. 1101 E. FIRST ST SANFORD, FL 32771-1400 407-655-7806																																									
GENERAL Parcel Id: 35-21-31-511-0000-0010 Owner: BYERS SCOTT D & MARCY A Mailing Address: 3301 FOX CROFT CIR City, State, Zip Code: OVIEDO FL 32765 Property Address: 3301 FOX CROFT CIR OVIEDO 32765 Subdivision Name: CARILLON TRACT 107 AT Tax District: 01-COUNTY-TX DIST 1 Exemptions: 00-HOMESTEAD (2007) Dor: 01-SINGLE FAMILY		<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th colspan="3" style="text-align: center;">VALUE SUMMARY</th> </tr> <tr> <th style="text-align: center;">VALUES</th> <th style="text-align: center;">2009 Working</th> <th style="text-align: center;">2008 Certified</th> </tr> <tr> <td style="text-align: center;">Value Method</td> <td style="text-align: center;">Cost/Market</td> <td style="text-align: center;">Cost/Market</td> </tr> <tr> <td style="text-align: center;">Number of Buildings</td> <td style="text-align: center;">1</td> <td style="text-align: center;">1</td> </tr> <tr> <td style="text-align: center;">Depreciated Bldg Value</td> <td style="text-align: right;">\$130,663</td> <td style="text-align: right;">\$186,000</td> </tr> <tr> <td style="text-align: center;">Depreciated EXFT Value</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Land Value (Market)</td> <td style="text-align: right;">\$40,400</td> <td style="text-align: right;">\$47,000</td> </tr> <tr> <td style="text-align: center;">Land Value Ag</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Just/Market Value</td> <td style="text-align: right;">\$171,063</td> <td style="text-align: right;">\$233,000</td> </tr> <tr> <td style="text-align: center;">Portability Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Save Our Homes Adj</td> <td style="text-align: right;">\$0</td> <td style="text-align: right;">\$0</td> </tr> <tr> <td style="text-align: center;">Assessed Value (SOH)</td> <td style="text-align: right;">\$171,063</td> <td style="text-align: right;">\$233,000</td> </tr> <tr> <td colspan="3" style="text-align: center;">Tax Estimator</td> </tr> </table>	VALUE SUMMARY			VALUES	2009 Working	2008 Certified	Value Method	Cost/Market	Cost/Market	Number of Buildings	1	1	Depreciated Bldg Value	\$130,663	\$186,000	Depreciated EXFT Value	\$0	\$0	Land Value (Market)	\$40,400	\$47,000	Land Value Ag	\$0	\$0	Just/Market Value	\$171,063	\$233,000	Portability Adj	\$0	\$0	Save Our Homes Adj	\$0	\$0	Assessed Value (SOH)	\$171,063	\$233,000	Tax Estimator		
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County General Fund	\$171,063	\$50,000	\$121,063																																						
Schools	\$171,063	\$25,000	\$146,063																																						
Fire	\$171,063	\$50,000	\$121,063																																						
Road District	\$171,063	\$50,000	\$121,063																																						
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The taxable values and taxes are calculated using the current years working values and the prior years approved millage rates.																																									
SALES <table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th>Deed</th> <th>Date</th> <th>Book</th> <th>Page</th> <th>Amount</th> <th>Vac/Imp</th> <th>Qualified</th> </tr> </thead> <tbody> <tr> <td>WARRANTY DEED</td> <td>02/2006</td> <td>06123</td> <td>0728</td> <td>\$303,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>WARRANTY DEED</td> <td>03/2002</td> <td>04367</td> <td>1486</td> <td>\$76,400</td> <td>Improved</td> <td>No</td> </tr> <tr> <td>WARRANTY DEED</td> <td>11/1997</td> <td>03361</td> <td>1457</td> <td>\$134,500</td> <td>Improved</td> <td>Yes</td> </tr> <tr> <td>SPECIAL WARRANTY DEED</td> <td>09/1997</td> <td>03307</td> <td>0637</td> <td>\$116,800</td> <td>Improved</td> <td>Yes</td> </tr> </tbody> </table> <p style="text-align: center;">Find Comparable Sales within this Subdivision</p>		Deed	Date	Book	Page	Amount	Vac/Imp	Qualified	WARRANTY DEED	02/2006	06123	0728	\$303,500	Improved	Yes	WARRANTY DEED	03/2002	04367	1486	\$76,400	Improved	No	WARRANTY DEED	11/1997	03361	1457	\$134,500	Improved	Yes	SPECIAL WARRANTY DEED	09/1997	03307	0637	\$116,800	Improved	Yes	2008 VALUE SUMMARY 2008 Tax Bill Amount: \$2,945 2008 Certified Taxable Value and Taxes DOES NOT INCLUDE NON-AD VALOREM ASSESSMENTS				
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Appendage / Sqft		SCREEN PORCH FINISHED / 216																																							
Appendage / Sqft		OPEN PORCH FINISHED / 24																																							
Appendage / Sqft		GARAGE FINISHED / 394																																							
NOTE: Appendage Codes included in Living Area: Base, Upper Story Base, Upper Story Finished, Apartment, Enclosed Porch Finished, Base Semi Finished																																									
Permits NOTE: Assessed values shown are NOT certified values and therefore are subject to change before being finalized for ad valorem tax purposes. *** If you recently purchased a homesteaded property your next year's property tax will be based on Just/Market value.																																									

COMMISSION DISTRICT #:

GUI
PROJ. #

ZONED: PUD

SEC: 35

TWP: 21

RNG: 31

DEVELOPMENT:		Carillon Tract 107				DEVELOPER:		First Dev Three			
LOCATION:		NW side of Lockwood Road, N of McCulloch Road								111 lots	
FILE#:				BA:				SP:			
P&Z:								BCC:		3/24/92	
PB	47	PG	97-99	Lot		Blk		Parcel		DBA	
										Comm Dist	1
DEVEL. ORDER #:						TAX PAR. I.D. #:					
SIDEWALKS: 4' wide both sides, 5' wide on Lockwood Road						SETBACK REQUIREMENTS					
						FY:	20'	SIDE ST.:		SY:	0-10'
						RY:	20'				
ROAD TYPE: (CURB & GUTTER OR SWALE)						MAIN STRUCTURE OTHER: Minimum House size: 1,000 sq. ft					
COMMENTS OTHER: Not flood prone.						* 10 ft. min. between structures.					
						ACCESSORY STRUCTURE SETBACKS:					
						SY:	Same as main structure.		RY:	10'	
						ACCESSORY STRUCTURE OTHER:					
						Side street: Not to project beyond main structure.					

		IMPACT FEES	
		SCREEN:	
		TRAFFIC ZONE:	78
		LAND USE:	
		1. ROAD-CO. WIDE	ORD
		2. ROAD-COLL.	ORD
		3. LIBRARY	ORD
		4. FIRE	ORD
		5. PARK	
		6. SCHOOL	ORD
		7. LAW	
		8. DRAINAGE	
		TOTAL	\$2,550.00
		REMARKS: Curb and Gutter, sidewalks on both sides.	

COMMITMENT CARD

Instructions: print two-sided on card stock and cut along the left and bottom border.

SEMINOLE COUNTY
APPLICATION & AFFIDAVIT

Ownership Disclosure Form

The owner of the real property associated with this application is a (check one)

☒ Individual ☐ Corporation ☐ Land Trust

☐ Limited Liability Company ☐ Partnership

☐ Other (describe): _____

1. List all natural persons who have an ownership interest in the property, which is the subject matter of this petition, by name and address.

NAME	ADDRESS	PHONE NUMBER
Scott D. Byers	3301 Foxcroft Cir. Oviedo FL 32765	407-971-6247
Marcy A. Byers	3301 Foxcroft Cir. Oviedo, FL 32765	407-971-6247

(Use additional sheets for more space.)

2. For each corporation, list the name, address, and title of each officer; the name and address of each director of the corporation; and the name and address of each shareholder who owns two percent 2% or more of the stock of the corporation. Shareholders need not be disclosed if a corporation's stock are not traded publicly on any national stock exchange.

NAME	TITLE OR OFFICE	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

3. In the case of a trust, list the name and address of each trustee and the name and address of the beneficiaries of the trust and the percentage of interest of each beneficiary. If any trustee or beneficiary of a trust is a corporation, please provide the information required in paragraph 2 above.

Trust Name: _____

NAME	TRUSTEE OR BENEFICIARY	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

**SEMINOLE COUNTY
APPLICATION & AFFIDAVIT**

4. For partnerships, including limited partnerships, list the name and address of each principal in the partnership, including general or limited partners. If any partner is a corporation, please provide the information required in paragraph 2 above.

NAME	ADDRESS	% OF INTEREST

(Use additional sheets for more space.)

5. In the circumstances of a contract for purchase, list the name and address of each contract purchaser. If the purchaser is a corporation, trust, or partnership, provide the information required for those entities in paragraphs 2, 3, and/or 4 above.

Name of Purchaser: _____

NAME	ADDRESS	% OF INTEREST

Date of Contract: _____

Please specify any contingency clause related to the outcome of the consideration of the application.

6. As to any type of owner referred to above, a change of ownership occurring subsequent to this application, shall be disclosed in writing to the Planning and Development Director prior to the date of the public hearing on the application.
7. I affirm that the above representations are true and are based upon my personal knowledge and belief after all reasonable inquiry. I understand that any failure to make mandated disclosures is grounds for the subject rezoning, future land use amendment, special exception, or variance involved with this Application to become void. I certify that I am legally authorized to execute this Application and Affidavit and to bind the Applicant to the disclosures herein.

07/07/2009
Date

Scott D Byers
Owner, Agent, Applicant Signature

STATE OF FLORIDA
COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 7 day of July, 2009 by Scott D Byers.

Janet Balistreri-Grasse
Signature of Notary Public

Print, Type or Stamp Name of Notary Public



Personally Known ☒ OR Produced Identification ☐

Type of Identification Produced _____

For Use by Planning & Development Staff

Date: _____ Application Number: _____

SEMINOLE COUNTY APPLICANT AUTHORIZATION FORM
(ORIGINAL ONLY)

An authorized applicant is defined as:

The property owner of record; or
An agent of said property owner (power of attorney to represent and bind the property owner must be submitted with the application); or
Contract purchaser (a copy of a fully executed sales contract must be submitted with the application containing a clause or clauses allowing an application to be filed).

I, Scott D. & Marcy A. Byers, the fee simple owner of the following
(Owner's Name)

described property (Provide Legal Description or Tax Parcel ID Number(s)) _____

3301 Foxcroft Cir. Oviedo, FL 32765

Tax Parcel ID: 35-21-31-511-0000-0010

hereby affirm that Leigh Beyer is hereby designated to act as my /our
authorized agent and to file the attached application for the stated special exception / variance request and
make binding statements and commitments regarding the request.

Scott D. Byers
Owner's Signature

Marcy Byers

I certify that I have examined the application and that all statements and diagrams submitted are true and accurate to the best of my knowledge. Further, I understand that this application, attachments and fees become part of the Official Records of Seminole County, Florida and are not returnable.

SWORN TO AND SUBSCRIBED before me this 7 day of July 2009

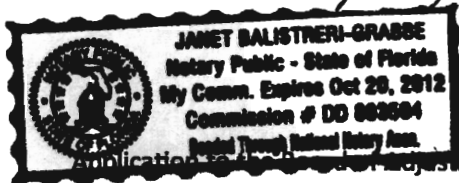
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Scott & Marcy Byers who is personally known to me or who has produced _____ has identification and who executed the foregoing instrument and sworn an oath.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of

July, 2009

Janet Balistreri-Grasse
Notary Public in and for the County and State
Aforementioned

My Commission Expires: 10/20/2012



Application to be filed with the Planning Division

Last updated 7/24/08

**NOTICE OF APPROVAL
CARILLON COMMUNITY RESIDENTIAL ASSOCIATION, INC.**

July 9, 2009

Scott and Marcy Byers
3301 Foxcroft Circle
Oviedo, FL 32765

Dear Mr. & Mrs. Byers:

Your application for Architectural Change has been approved. Accordingly, you have been given the approval to proceed with the following project:

- o In-ground pool and screen enclosure

Carillon Community Residential Association, Inc., reserves the right to make a final inspection of the architectural change to ensure it corresponds with the request you submitted for approval. Please follow the plan you submitted or submit an additional application form if your plans deviate from that which were originally submitted.

You must follow all local building codes and setback requirements when making this change, if applicable. Please be aware that a Building Permit may be needed and this can be applied for at the County offices.

Carillon Community Residential Association, Inc.'s, approval here is based only on the aesthetics and certification that your proposed change follows in accordance with your Covenants and Restrictions. This approval should not be taken as any certification as to the construction worthiness or structural integrity of the change you propose. Remember that you are responsible for contacting the appropriate Utility & Cable Companies should your project involve digging in the area that utility or cable lines may be present.

Thank you again for your cooperation in submitting your application for approval.

Sincerely,



Anne M. Smith, LCAM
Pinnacle Property Management





SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER

On August 24, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 1 TRACT 107 AT CARILLON PB 47 PGS 97 THRU 99

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Scott and Marcy Byers
3301 Foxcroft Circle
Oviedo, Fl. 32765

Project Name: Foxcroft Circle (3301)

Variance Approval:

Request for a side yard (southeast) setback variance from 10 feet to 2 feet for a proposed pool and 10 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district.

All six criteria for granting a variance under the Land Development Code have been satisfied.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Kathy Fall, Principal Planner
1101 East First Street
Sanford, Florida 32771

Order**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- a. The variance granted will apply only to the pool and pool screen enclosure as depicted on the attached site plan.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

STATE OF FLORIDA)
COUNTY OF SEMINOLE)

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

SEMINOLE COUNTY DENIAL DEVELOPMENT ORDER

On August 24, 2009, Seminole County issued this Development Order relating to and touching and concerning the following described property:

LOT 1 TRACT 107 AT CARILLON PB 47 PGS 97 THRU 99

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: Scott and Marcy Byers
3301 Foxcroft Circle
Oviedo, FL 32765

Project Name: Foxcroft Circle (3301)

Requested Variance

Request for a side yard (southeast) setback variance from 10 feet to 2 feet for a proposed pool and 10 feet to 0 feet for a pool screen enclosure in PUD (Planned Unit Development) district.

Approval was sought to construct a pool and a pool screen enclosure into the side yard setback. One or more of the six criteria under the Land Development Code for granting a variance have not been satisfied. The applicant still retains reasonable use of the property without the granting of the requested variance.

The requested development approval is hereby denied.

Prepared by: Kathy Fall, Principal Planner
1101 East First Street
Sanford, Florida 32771

FILE NO.:

DEVELOPMENT ORDER #

Done and Ordered on the date first written above.

By: _____
Alison C. Stettner
Planning Manager

**STATE OF FLORIDA)
COUNTY OF SEMINOLE)**

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared _____ who is personally known to me or who has produced _____ as identification and who executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2009.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires: